

REMARKS

Claims 1-11 are all the claims pending in the application. Claim 1 is the only independent claim.

Information Disclosure Statement

The Examiner has returned a copy of the PTO/SB/08 form filed with the Information Disclosure Statement on December 30, 2005. However, the Examiner has not considered the foreign references other than WO 2004/004959 cited in the PCT International Phase because the International Bureau did not forward copies of these references. As such, for the Examiner's convenience, Applicant has provided copies of these references and respectfully requests the Examiner to return an initialed copy of the filed PTO/SB/08 indicating consideration of these references. It is Applicant's understanding that no fee is necessary. However, should a fee be necessary, the PTO is authorized to charge the deposit account, as mentioned below.

Priority Claim

The Examiner has not acknowledged Applicant's claim to foreign priority and has not indicated receipt of the certified copy of the Priority Document. Applicant respectfully requests the Examiner to acknowledge Applicant's claim to foreign priority and indicate receipt of the certified copy of the Priority Document in the next correspondence.

Claim Rejections Under 35 U.S.C. § 102

Claim 10

Claim 10 is rejected under 35 U.S.C. § 102(a) as being anticipated by WO 2004/004959.

Applicant respectfully traverses this rejection at least because, in view of the verified English translation of the priority document, that will be filed shortly, WO ‘959 cannot be considered prior art under 35 U.S.C. § 102(a) or (e). WO ‘959 was published in French on **January 15, 2004**. However, WO ‘959 cannot be considered prior art under 35 U.S.C. § 102(a) because the foreign priority date of the present application is **July 2, 2003**, which is before this publication date. Moreover, WO ‘959 cannot be considered prior art under 35 U.S.C. § 102(e) because it was not published in English.¹

Moreover, Applicant respectfully traverses this rejection because WO ‘959 does not meet all of the recitations of claim 10. Claim 10 recites a device including a welding head and a means for providing the welding head *with a filler material*, welding flux, and electrical power. Contrary to what is said by the Examiner WO ‘959 does not disclose a device comprising a welding head and means for providing the welding head with filler metal. Referring the US 2005/0226689 (corresponding to WO ‘959), at ¶ [0071]: “the edge 16 of each stiffener is first welded, ..., in other words by inert gas non consumable electrode arc welding without filler metal.” See also ¶ [0074]. Moreover, ¶ [0079], which described Figure 7, is an alternative method of implementation that is also related to *welding without filling metal*.

Thus, Applicant respectfully requests the Examiner to withdraw the rejection of claim 10.

Claim 11

Claim 11 is rejected under 35 U.S.C. § 102(a) as being anticipated by Howard et al. (US 2,198,534).

¹ See MPEP § 706.02(f)(1).

Applicant respectfully traverses this rejection because Howard does not meet all of the recitations of claim 11. Claim 11 also recites a device including a device including a welding head and a means for providing the welding head *with a filler material*, welding flux, and electrical power.

Howard discloses an apparatus for welding comprising a welding head 22, the welding head comprising water cooled electrodes 27 (see page 2, col. 1, line 14), and air hoses 31, 32 used to actuate cylinders 30 (see page 2, col. 1, lines 20, 23, 33), and water cooled electrical conduits 50, 51 (see page 2, col. 2, lines 13, 25). Again, there is no feature that corresponds to the recited means for providing the welding head *with a filler material*.

Thus, Applicant respectfully requests the Examiner to withdraw the rejection of claim 10.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO ‘959 in view of Bada et al. (US 3,307,014).

Applicant respectfully traverses this rejection at least because, in view of the verified English translation of the priority document, that will be filed shortly, WO ‘959 cannot be considered prior art.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
Application No.: 10/562,946

Attorney Docket No.: Q92488

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: February 9, 2009